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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEXANDER J. TRABULSE

Defendant.

Case No. CR 09-0350-WHA

STIPULATION AND ~~PROPOSED~~  
ORDER RE: CLARIFYING JUDGEMENT

The Parties hereby stipulate as follows:

Alexander Trabulse was sentenced by this Court on May 3, 2010. Part of that sentence included a restitution order of \$8,599,877. The Judgement in the Criminal Case neglected to include details about the beneficiaries of the restitution order.

Accordingly the parties recommend amending paragraph F of the Schedule of Payments.

Paragraph F currently reads:

[x] Special instructions regarding the payment of criminal monetary penalties:

It is further ordered that the defendant shall pay to the United States a special assessment of \$100, which shall be due immediately. While incarcerated, payment of criminal monetary penalties are due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program.

Criminal monetary payments shall be made to the Clerk of U.S. District Court, 450 Golden Gate Ave., Box 36060, San Francisco, CA 941002.

If is further ordered that the defendant shall pay restitution totaling \$8,599,877, which shall be due immediately. Pursuant to the civil judgment in SEC v. Alexander James Trabulse, C07-04975 WHA, defendant shall receive credit against this restitution order for any money paid in that civil case. While incarcerated, payment of restitution is due during imprisonment at the rate of not less than \$25 per quarter and payment shall be through the Bureau of Prisons Inmate Financial Responsibility Program. Restitution payments shall be made to the Clerk of U.S. District Court, Attention: Financial Unit, 450 Golden Gate Ave., Box 36060, San Francisco, CA 94102. Payments shall be made at the minimum rate of \$1,000 per month while on supervised release.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

The parties stipulate that Paragraph F should read as follows with the changes denoted in bold and with cross outs:

[x] Special instructions regarding the payment of criminal monetary penalties:

It is further ordered that the defendant shall pay to the United States a special assessment of

1 \$100, which shall be due immediately. While incarcerated, payment of criminal monetary  
2 penalties are due during imprisonment at the rate of not less than \$25 per quarter and payment  
3 shall be through the Bureau of Prisons Inmate Financial Responsibility Program.

4 Criminal monetary payments shall be made to the Clerk of U.S. District Court, 450  
5 Golden Gate Ave., Box 36060, San Francisco, CA 941002.

6 If is further ordered that the defendant shall pay restitution totaling \$8,599,877, **on a pro**  
7 **rata basis to the persons listed and based on the amounts detailed on Exhibit A. (The**  
8 **amount of restitution due to each victim on the attached exhibit must be reduced by**  
9 **2.382037663%. Thus, the sum of victims' restitution amounts should equal \$8,599,877,**  
10 **which is 2.382037663% less than the total on the list, \$8,809,728.04.)** Restitution ~~which~~ shall  
11 be due immediately. Pursuant to the civil judgment in SEC v. Alexander James Trabulse,  
12 C07-04975 WHA, defendant shall receive credit against this restitution order for any money paid  
13 in that civil case, **after May 3, 2010 and the amounts due to victims under this judgment will**  
14 **be reduced by any such payments.** While incarcerated, payment of restitution is due during  
15 imprisonment at the rate of not less than \$25 per quarter and payment shall be through the  
16 Bureau of Prisons Inmate Financial Responsibility Program. Restitution payments shall be made  
17 to the Clerk of U.S. District Court, Attention: Financial Unit, 450 Golden Gate Ave., Box 36060,  
18 San Francisco, CA 94102. Payments shall be made at the minimum rate of \$1,000 per month  
19 while on supervised release.

20 Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment,  
21 payment of criminal monetary penalties is due during imprisonment. All criminal monetary  
22 penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial  
23 Responsibility Program, are made to the clerk of the court.

24 The defendant shall receive credit for all payments previously made toward any criminal  
25 monetary penalties imposed.

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27 ///

1 **IT IS SO STIPULATED**

2  
3 DATED: May 17, 2010

JOSEPH P. RUSSONIELLO  
United States Attorney

5 /S/

6 Jonathan Schmidt  
7 Thomas E. Stevens  
Assistant United States Attorney

8 DATED: May 17, 2010

BARRY J. PORTMAN  
Federal Public Defender

10 /S/

11 Loren D. Stewart  
Assistant Federal Public Defender  
12 Counsel for Alexander James Trabulse

13 For good cause shown the Court adopts this proposed order.

14 **IT IS SO ORDERED.**

15 Dated: May 18, 2010

